

## REMARKS

The Office Action of September 30, 2005 has been received and considered. Claims 1-49 are pending. Claims 7, 12-26, 31-33, 39 and 44 have been withdrawn. Claims 2, 3 and 40 have been canceled. Claims 1, 38, 42, and 45 have been amended, with claims 38, 42 and 45 being amended in non-limiting fashion to correct typographical errors. Applicants note that claim 45 now depends on withdrawn claim 44. Reconsideration of the application in view of the preceding amendments and following remarks, and allowance of the pending claims is respectfully requested. Each of the Examiner's rejections is discussed below.

### Specification

The specification has been objected to on the grounds that the reference number "23" in paragraph 32 at line 7 should be "24", and that the reference number "40" in paragraph 38 at lines 2, 3 should be "46". The specification has been amended in accordance with the Examiner's suggestion. Accordingly, the specification is now believed to be in proper form and an indication to that effect is respectfully requested at this time.

### Section 103

#### Claims 1-6, 8, 9, 11, 27, 29, 38 40-43, and 45

Claims 1-6, 8, 9, 11, 27, 29, 38 40-43, and 45 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,276,671 to Melton ("Melton") in view of U.S. Patent No. 5,676,641 to Arensdorf et al ("Arensdorf"), U.S. Patent No. 2,932,839 to Corbin ("Corbin"), and/or U.S. Patent No. 3,013,564 to Levey ("Levey"). This rejection is respectfully traversed.

Melton discloses a knitted slipper sock 10 having a bottom sole 13 and a knitted upper portion 11 and a knitted foot portion 12.

Arensdorf discloses a stabilized ankle support having a sheath 20 with a front opening 26 and a heel opening 28. Two elongated elastic strap members 32 and 34 intersect and are

anchored with one another at a seam 38 located on a bottom of the heel of sheath 20. Ends 40, 42 of strap 32 have hook and loop fasteners 44, 46 that are secured about the user's ankle to the material of strap 32 itself. Similarly, ends 48, 50 of strap 34 have hook and loop fasteners 52, 54 that are secured about the user's ankle to the material of strap 34 itself.

Corbin discloses a sock having a leg 10, a foot 11 with toe portions 14 and 15. Levey discloses a slipper 12 having toe encasing front portions 18, 19, and within which is positioned a sock 32.

Each of Melton, Arensdorf, Corbin and Levey, alone or in combination, fails to disclose or make obvious an article of footwear having a wrap extending around a midfoot portion of an outsole and an upper, and around a heel portion of the upper, with a strap having a first end secured to a medial side of the wrap and a second end of the strap is releasably secured to a lateral side of the wrap, as required by independent claims 1 and 38.

Each of Melton, Corbin and Levey is a simple sock or slipper that has no strap. Neither of straps 32, 34 of Arensdorf has a first end secured to a medial side of the wrap and a second end releasably secured to a lateral side of the wrap. As noted above, each of the ends of the straps is secured to the strap itself about the ankles.

Further, one skilled in the art of Arensdorf would be taught away from having a strap with one end secured to a medial side of a wrap, extending across an instep of the upper and a second end releasably secured to a lateral side of the wrap, as required by independent claim 1. Arensdorf is concerned with providing support for an ankle. A strap as claimed herein would not provide an ankle with the support for which the Arensdorf support is configured. Accordingly, the rejection is improper and should be withdrawn.

**Claims 1-6, 8, 9, 11, 27, 29, 38, 40-43, and 45**

Claims 1-6, 8, 9, 11, 27, 29, 38 40-43, and 45 have been rejected under 35 U.S.C. §

103(a) over U.S. Patent No. D288,742 to Caretti ("Caretti") in view of U.S. Patent No. D381,102 to Avar ("Avar") and U.S. Patent No. 4,461,288 to Curtis ("Curtis"). This rejection is respectfully traversed.

Caretti discloses a shoe having a split toe. Avar discloses an element for a shoe extending about the midsole and heel portions of the shoe. Curtis discloses a shoe 28 with a stabilizing strap 25 having a dorsal strap 26 extending over the instep of the shoe, an Achilles strap 20 extending about the heel portion, and a plantar strap 32 extending beneath shoe 28.

The combination of Caretti, Avar, and Curtis fails to disclose or make obvious an article of footwear having a wrap extending around a midfoot portion of an outsole and an upper, and around a heel portion of the upper, with a strap having a first end secured to a medial side of the wrap and a second end of the strap is releasably secured to a lateral side of the wrap, as required by independent claims 1 and 38.

Caretti simply discloses a shoe, with no wrap or strap secured to the wrap. Avar discloses a wrap extending about a heel portion of a shoe and beneath a midfoot portion of a shoe. The wrap of Avar does not extend around a midfoot portion of the upper. Only the strap of Avar extends around the midfoot portion of the upper. Further, the strap of Avar is not secured at its first end to a medial side of the wrap and at its second end to the lateral side of the wrap. Rather, a first end of the strap is secured to the lateral side of the wrap, the strap extends through a loop on the medial side of the wrap and is folded back upon itself, and the second end is secured to the strap itself on the lateral side of the shoe, as seen most clearly in FIG. 1.

Curtis discloses a strap that is secured to itself; the strap is not secured at first and second ends thereof to a wrap. In fact, there is no wrap at all disclosed in Curtis. Further, there is no motivation or suggestion to combine the strap of Curtis with a wrap since the strap of Curtis serves its purpose of providing stability without any additional elements. It is designed to

function alone to provide support for the shoe, and does not need an additional element to provide the desired support. Accordingly, the rejection is improper and should be withdrawn.

**Claims 10, 28, 30, and 34-37**

Claims 10, 28, 30, and 34-37 have been rejected under 35 U.S.C. § 103(a) over the references noted above in view of U.S. Patent No. 5,689,903 to Aumann ("Aumann"). Aumann is cited as disclosing a polyurethane coating for footwear. This rejection is respectfully traversed.

Aumann fails to disclose the deficiencies noted above. Specifically, Aumann fails to disclose or make obvious an article of footwear having a wrap extending around a midfoot portion of an outsole and an upper, and around a heel portion of the upper, with a strap having a first end secured to a medial side of the wrap and a second end of the strap is releasably secured to a lateral side of the wrap, as required by independent claim 1, from which claims 10, 28, 30, and 34-37 depend.

**Claims 30 and 34**

Claims 30 and 34 have been rejected under 35 U.S.C. § 103(a) over the references noted above in view of U.S. Patent No. 5,526,584 to Bleimhofer et al. ("Bleimhofer"). Bleimhofer is cited as disclosing a waterproof coating over stitching. This rejection is respectfully traversed.

Bleimhofer fails to disclose the deficiencies noted above. Specifically, Bleimhofer fails to disclose or make obvious an article of footwear having a wrap extending around a midfoot portion of an outsole and an upper, and around a heel portion of the upper, with a strap having a first end secured to a medial side of the wrap and a second end of the strap is releasably secured to a lateral side of the wrap, as required by independent claim 1, from which claims 30 and 34 depend.

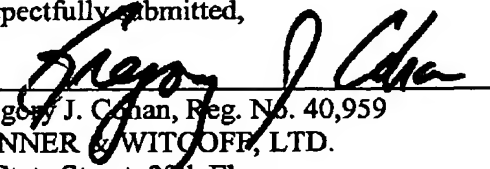
**Conclusion**

Consequently, pending claims 1, 4-6, 8-11, 27-30, 34-38, 41-43, 45-49 are believed to be in form for allowance, and an indication to that effect is respectfully requested at this time. Please apply any charges or credits to Deposit Account No. 19-0733.

Dated: \_\_\_\_\_

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Respectfully submitted,

  
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